

1 **WO**

2
3
4
5
6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
8

9 United States of America,) CR-08-611-PHX-DGC
10 Plaintiff,) **ORDER**
11 vs.)
12 Carlos Alvarez-Espinoza (02),)
13 Defendant.)
14

15
16 Defendant Carlos Alvarez-Espinoza was convicted by a jury of multiple offenses
17 arising out of the hostage taking of undocumented immigrants. Doc. 216. He was sentenced
18 to a total of 137 years in prison. Doc. 280. The Ninth Circuit affirmed. Doc. 354.

19 In an order dated January 18, 2011, the Court appointed attorney Michele Moretti to
20 represent Defendant in an action brought under 28 U.S.C. § 2255. Doc. 359. Shortly before
21 the entry of that order, Defendant filed a second motion for appointment of counsel. Doc.
22 356. He also filed a motion for a stay and a motion to dismiss his previous “petition” on the
23 ground that he lacks the legal knowledge and understanding of English necessary to
24 prosecute a § 2255 action. Docs. 355, 357.

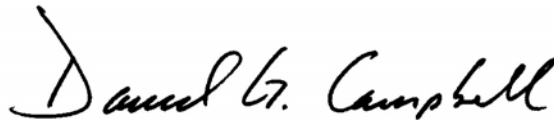
25 Given the appointment of Ms. Moretti to represent Defendant, the second motion to
26 appoint counsel will be denied as moot and the other motions will be denied without
27 prejudice. *See* LRCiv 83.3(c)(2) (a party represented by counsel may not file pro se
28 motions); *Pizzuto v. Arave*, 280 F.3d 949, 968 (9th Cir. 2002) (party represented by counsel

1 was not entitled to cross-examine witness because “there is no right to ‘hybrid’
2 representation”).

3 **IT IS ORDERED:**

- 4 1. Defendant Carlos Alvarez-Espinoza’s second motion for appointment of
5 counsel (Doc. 356) is **denied** as moot.
6 2. Defendant’s motion for a stay and motion to dismiss (Docs. 355, 357) are
7 **denied** without prejudice.

8 DATED this 1st day of February, 2011.

9
10
11 

12 _____
13 David G. Campbell
14 United States District Judge
15
16
17
18
19
20
21
22
23
24
25
26
27
28